

REMARKS

The Examiner's objections to the claims have been remedied.

Claims 10, 11, 13, 16, 19-20, 22, 25, 28, 29 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,811,794 to Greene, cited by applicants. Claim 10 has been rewritten as newly submitted claim 34 with limitations added thereto which clearly distinguish Greene. Claim 34 states that the first tillage member has an inwardly extending portion which extends inwardly from the first beam. Claim 34 also describes that the second tillage member has an inwardly extending portion which extends inwardly from the second beam. Additionally, claim 10 states that the inwardly extending portions are positioned in an approximate center-line position, one behind the other. Claim 19 has been rewritten as claim 35 and also includes the newly added limitations discussed above which were added to claim 10. Claims 34 and 35 and claim 20, which has been amended to depend from claim 35, are not anticipated by Greene under 35 U.S.C. § 102. Each of these claims includes the limitation that the first tillage member has an inwardly extending portion which extends from the first beam and the second tillage member has an inwardly extending portion which extends inwardly from the second beam. These claims also include the limitation that the inwardly extending portions are positioned in an approximate center-line position, one behind the other. Clearly, Greene does not have tillage members as described in these claims which have inwardly extending portions so that the inwardly extending portions are positioned in an approximate center-line position, one behind the other. The tillage members of Greene are laterally spaced from one another and

1 there are no tillage members which are positioned in an approximate center-line
position, one behind the other, as required by the claims. The center-line position
required by the claims is extremely important since if the tillage members are
positioned laterally of one another, the device will tend to move from side to side as
5 the tillage members sequentially engage the soil. Inasmuch as the tillage members in
applicants' device are in the center-line position required by the claims, the device
tends to stay on a straight line during the tillage operation. Accordingly, the claims in
question are not anticipated by Greene and should be allowed. The claims in question
10 also are distinguishable from the foreign patent attached to the Office Action since it is
clear that the tillage members thereof are not positioned in an approximate center-line
position, one behind the other.

Claims 1, 2, 4, 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable
over U.S. Patent No. 4,811,794 to Greene in view of U.S. Patent No. 3,057,412 to
15 Hovis, Jr. Claim 1 has been rewritten as newly submitted claim 33 and now includes
the limitations that the first hoe blade has an inwardly extending blade portion which
extends inwardly from the first beam and that the second hoe blade has an inwardly
extending blade portion which extends inwardly from the second beam. Claim 33 also
20 describes that the inwardly extending blade portions are positioned in an approximate
center-line position, one behind the other. The limitations added to claim 1 by way of
being included in claim 33 are similar to that discussed above, the only difference
being that the claims discussed above refer to tillage members while claim 33 refers to
hoe blades. There is absolutely no teaching, suggestion or motivation to modify the
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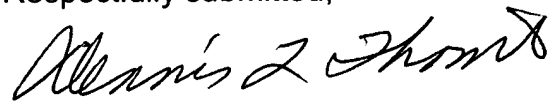
1 structure of Greene with that of Hovis. Hovis teaches the use of a single tillage
member or blade and does not even remotely suggest that a pair of blades could be
used, as required by claim 33. In applicants' device, there will always be a blade in
contact with the soil while in Hovis, the blade 156 will not be in engagement with the
5 soil when it is in the dash position illustrated in Fig. 1 of the Hovis patent drawings.
The combination of the Greene and Hovis patents does not make applicants'
invention, as a whole, obvious to a person having ordinary skill in the art at the time of
the invention. Even if Greene and Hovis were combined and modified as suggested
10 by the Examiner, the resulting device would not have first and second hoe blades
extending inwardly from beams so that the inwardly extending portions of the blades
are positioned in an approximate center-line position, one behind the other.

In the Office Action referred to above, the Examiner indicated that claims 8, 9,
17-18, 26-27 would be allowable if rewritten in independent form to include all of the
15 limitations of the base claim and any intervening claims. Accordingly, claim 8 has
been rewritten as newly submitted claim 30 with claim 9 having been amended to
depend from claim 30 rather than claim 8. Claim 17 has been rewritten in independent
form as newly submitted claim 31 and includes the limitations of claims 10 and 17.
20 Claim 18 has been amended to depend from newly submitted claim 31 rather than
cancelled claim 17. Claim 26 has been rewritten in independent form as newly
submitted claim 32. Claim 27 has been amended to depend from newly submitted
claim 32 rather than cancelled claim 26. Inasmuch as claims 1, 3-8, 10-17, 19 and 21-
26 have been cancelled without prejudice, claims 9, 18, 20, 27, 28 and 29 have been
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1 amended, and claims 30-35 have been added, it is requested that all of the remaining
claims in the application be allowed.

No extension of time is believed to be due in connection with this Amendment;
however, please consider this a request for any extension inadvertently omitted.

5 Respectfully submitted,



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CERTIFICATE OF MAILING

15 I hereby certify that the original of this AMENDMENT for LAWRENCE J. ZACH,
ET AL., Serial No. 10/720,805, was mailed by first class mail, postage prepaid, to Mail
Stop Amendment, Commissioner for Patents, Alexandria, VA 22313, on this 15th
day of December, 2004.



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